

AMENDED IN SENATE MAY 23, 2012

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1000

Introduced by Senator Yee
(Principal coauthor: Senator Alquist)
(Principal coauthor: Assembly Member Hill)
(Coauthor: Senator Blakeslee)

February 6, 2012

An act to amend Sections 315 and 583 of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, as amended, Yee. Public Utilities Commission: records.

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. The Public Utilities Act requires the commission to investigate the cause of all accidents occurring upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and authorizes the commission to make any order or recommendation with respect to the investigation that it determines to be just and reasonable.

This bill would require that any order or recommendation made by the commission and any accident report filed with, or generated by, the commission pursuant to these requirements be made available and ready

for public review in compliance with the California Public Records Act and these provisions.

(2) The Public Utilities Act prohibits the commission or an officer or employee of the commission from disclosing any information furnished to the commission by a public utility, a subsidiary, an affiliate, or corporation holding a controlling interest in a public utility, unless the information is specifically required to be open to public inspection under the act, except on order of the commission or a commissioner in the course of a hearing or proceeding. The act provides that any present or former officer or employee of the commission who divulges this information is guilty of a misdemeanor.

This bill would require the commission to create a list of safety-related reports that the commission would, upon completion of the reports, automatically disclose to the public. *The bill would require the commission, prior to disclosing any record, to determine whether any exemptions to the California Public Records Act or other law restricting disclosure apply to that record.* The bill would require the commission to post certain information on its Internet Web site. The bill would require the commission to immediately revise its written guidelines, resolutions, and general orders, as specified, and modify its existing rules governing disclosure of public records to provide guidance on the showing necessary to justify a commission decision to withhold disclosure of specified categories of public records. ~~The bill would repeal the provision that any present or former officer or employee who divulges nonpublic information is guilty of a misdemeanor.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 315 of the Public Utilities Code is
2 amended to read:
3 315. (a) The commission shall investigate the cause of all
4 accidents occurring within this state upon the property of any
5 public utility or directly or indirectly arising from or connected
6 with its maintenance or operation, resulting in loss of life or injury
7 to person or property and requiring, in the judgment of the
8 commission, investigation by it, and may make any order or
9 recommendation with respect thereto as in its judgment seems just
10 and reasonable. Every public utility shall file with the commission,

1 under rules the commission prescribes, a report of each accident
2 so occurring of the kinds or classes as the commission from time
3 to time designates.

4 (b) Any order or recommendation made by the commission
5 pursuant to this section, and any accident report filed with, or
6 generated by, the commission pursuant to this section, shall be
7 made available and ready for public review in compliance with
8 the California Public Records Act (Chapter 3.5 (commencing with
9 Section 6250) of Division 7 of Title 1 of the Government Code)
10 and Section 583. Neither the order or recommendation of the
11 commission nor any accident report filed with the commission
12 shall be admitted as evidence in any action for damages based on
13 or arising out of the loss of life or injury to person or property.

14 SEC. 2. Section 583 of the Public Utilities Code is amended
15 to read:

16 583. (a) (1) No information furnished to the commission by
17 a public utility, or any business that is a subsidiary or affiliate of
18 a public utility, or a corporation that holds a controlling interest
19 in a public utility, except those matters specifically required to be
20 open to public inspection by this part, shall be open to public
21 inspection or made public except on order of the commission, or
22 by the commission or a commissioner in the course of a hearing
23 or proceeding.

24 (2) *Any current or former officer or employee of the commission*
25 *who divulges information in violation of paragraph (1) is guilty*
26 *of a misdemeanor.*

27 (b) Prior to disclosing any record, the commission shall
28 determine whether any exemption to the California Public Records
29 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
30 of Title 1 of the Government Code) or other law restricting
31 disclosure applies to that record.

32 (c) The commission shall create a list of safety-related reports
33 that the commission will, upon completion of the reports,
34 automatically disclose to the public.

35 (d) On the commission's Internet Web site, the commission
36 shall do all of the following:

37 (1) Create and maintain a comprehensive index of the
38 commission's records that explains whether and how the public
39 can access the commission's records.

1 (2) Create and maintain a database that details the requests the
2 commission has received to treat documents as confidential and
3 the commission's decisions regarding these requests.

4 (3) Routinely post the safety-related reports that the commission
5 determines are subject to disclosure.

6 (4) Provide a description of the commission's safety jurisdiction,
7 inspection, investigation, and enforcement activities.

8 (e) To ensure compliance with the California Public Records
9 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
10 of Title 1 of the Government Code), the commission shall, as
11 appropriate, redact a publicly released document.

12 (f) The commission shall immediately revise its written
13 guidelines, resolutions, and general orders adopted pursuant to
14 Section 6253.4 of the Government Code and shall modify its
15 existing rules governing the disclosure of public records to provide
16 guidance on the showing necessary to justify a commission
17 decision to withhold disclosure of the categories of public records
18 defined in the California Public Records Act (Chapter 3.5
19 (commencing with Section 6250) of Division 7 of Title 1 of the
20 Government Code).